

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_1001A
Shinichiro ISOBE : **Confirmation No. 8900**
Serial No. 10/584,089 : Group Art Unit 1637
Filed August 9, 2006 : Examiner Jezia Riley
METHOD FOR DETECTING : **Mail Stop: AMENDMENT**
BIOMOLECULE, LABELING DYE USED
THEREFORE, AND LABELING KIT

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of June 5, 2009, Applicant submits the following remarks in support of the patentability of the presently claimed invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Second Request for Acknowledgment of Claim of Priority and Receipt of Priority Document

The Office Action mailed June 5, 2009 again fails to acknowledge Applicant's Claim of Priority, or receipt of the certified copy of the Japanese Priority Document. However, a certified copy of Applicant's priority document is of record in the Image File Wrapper for this application. Accordingly, the Examiner is respectfully requested to acknowledge Applicant's Claim of Priority, as well as receipt of the certified copy of Applicant's priority document with the next correspondence.

Double Patenting Rejection

Claims 22, 23, 26 and 33-36 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 4 of U.S. Patent No. 7,015,002.

This rejection has been overcome by the filing of a Terminal Disclaimer, together with the required fee. Applicant submits the Terminal Disclaimer for the sole purpose of expediting prosecution, and does not acquiesce to the rejection.

Claim Objection

Claims 24 and 25 are objected to as being dependent upon a rejected based claim. This objection has been rendered moot in view of the above-discussed remarks. Specifically, the rejection of claim 23 (upon which claims 24 and 25 directly and indirectly depend) has been overcome by the Terminal Disclaimer filed herewith. Thus, Applicant respectfully requests that the objection be withdrawn.

Claim Allowance

The Applicant acknowledges with thanks the Examiner's indication of the allowance of claims 37-43. Applicant asserts that claims 22-26 and 33-36 are also allowable for the reasons discussed above.

Conclusion

Therefore, in view of the remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this response, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Shinichiro ISOBE

/Amy E. Schmid/
By 2009.09.08 16:03:38 -04'00'

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